

# **Exhibit "6"**



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Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI`I

ILIO'ULAOKALANI COALITION, a	)	CIVIL NO. 04-00502 DAE BMK
Hawaii, nonprofit corporation;	)	
NA'IMI PONO, a Hawaii	)	
unincorporated association; and	)	NOTICE OF FILING OF
KIPUKA, a Hawaii unincorporated	)	FIRST PERIODIC PROGRESS
association,	)	REPORT; EXHIBIT "A";
	)	CERTIFICATE OF SERVICE
Plaintiffs,	)	
	)	
v.	)	
	)	
ROBERT M. GATES, Secretary of	)	
United States Department of	)	
Defense; and FRANCIS J. HARVEY,	)	
Secretary of the United States	)	
Department of the Army,	)	
	)	
Defendants.	)	





NOTICE OF FILING OF FIRST PERIODIC REPORT

In its Order Setting Interim Injunction dated December 29, 2006, the Court ordered the United States Army to undertake additional mitigation measures related to training and construction projects associated with the transformation of the 2<sup>nd</sup> Brigade of the 25<sup>th</sup> Infantry into a Stryker Brigade Combat Team. In its Order, the Court required the Army to periodically report on the status of specific mitigation measures and instructed the parties to confer on a proposed reporting schedule. The parties have conferred and agreed that the First Periodic Report shall be filed with the Court on March 30, 2007, and then the parties will reinitiate consultation in an effort to agree on a future reporting schedule. In accordance with the Court's Order and after consultation with Plaintiffs on an appropriate reporting schedule, the United States Army hereby submits the attached Periodic Progress Report dated March 30, 2007.

Respectfully submitted this 30<sup>th</sup> day of March, 2007.

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/s/ Barry Weiner by Harry Yee

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Attorneys for Defendants



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

'ILIO'ULAOKALANI COALITION, a Hawai'i nonprofit corporation;	)	CIVIL NO. 04-00502 DAE-BMK
NA 'IMI PONO, a Hawai'i	)	CERTIFICATE OF SERVICE
unincorporated association;	)	
and KIPUKA, a Hawai'i	)	
unincorporated association,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ROBERT M. GATES, Secretary of	)	
Defense; and FRANCIS J.	)	
HARVEY, Secretary of the	)	
United States Department of	)	
the Army,	)	
	)	
Defendants.	)	
	)	

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

David L. Henkin      [dhenkin@earthjustice.org](mailto:dhenkin@earthjustice.org)

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Attorneys for Plaintiffs

DATED: March 30, 2007, at Honolulu, Hawaii.

/s/ Harry Yee

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# **EXHIBIT "A"**





**DEPARTMENT OF THE ARMY**  
US ARMY INSTALLATION MANAGEMENT COMMAND, PACIFIC REGION  
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII  
SCHOFIELD BARRACKS, HAWAII 96857-5000

Office of the Commander

**Periodic Progress Report dated March 30, 2007**

**1.0. INTRODUCTION**

In its Order Setting Interim Injunction, dated December 29, 2006, the U.S. District Court for the District of Hawaii ordered the Army to undertake various mitigation measures related to training and construction projects associated with the Stryker Brigade Combat Team. The Court further ordered the Army to periodically report to the Court regarding their progress on certain of these measures. Reporting requirements were mandated for the following mitigation measures:

- 1) SBCT Motor Pool: implement filters and absorbent packs, the three dissipaters and surge rock or riprap and berm discussed by Mr. Kawasaki, and all other Best Management Practices (BMPs) called for in the construction plans. (Order at 35, 58)
- 2) Range 11T: fully fund and implement all necessary mitigation measures to protect known cultural sites that are within the SDZ of the mobile gun system at Range 11T. (Order at 53, 60)
- 3) East Range and Kahuku Training Area: implement BMPs in the downslope areas where it is needed but where it is impossible to construct kickouts, at the three locations at east range where Mr. Hood noted roadside ditches were draining directly into streams, and in off-road areas where Stryker training will occur. (Order at 59)

**2.0. STATUS (As of March 15, 2007)**

2.1 SBCT Motor Pool: Mitigation measures are underway with site-specific BMPs in place and inspected/maintained weekly. All actions are funded with ongoing work through FY 2007 with completion in FY 2008. A summary of the implemented measures is presented in the table below.



**Table**

<b>No.</b>	<b>Action</b>	<b>Location</b>	<b>Funded</b>	<b>Status</b>
1	Install Drainage dissipaters and rip-rap	SBCT Motorpool	Yes	Completed. Inspected Weekly
2	Install Drainage Filters and Absorbent Packs	SBCT Motorpool	Yes	In design. Anticipate Install June 07
3	Install Drainage Berm	SBCT Motorpool	Yes	In design. Anticipate Install June 07
4	Install Sediment Catch Basins	SBCT Motorpool	Yes	Completed
5	Install Rolled Gutter Fabric	SBCT Motorpool	Yes	Will install after area is paved
6	Install Erosion Control of Open Area	SBCT Motorpool	Yes	Completed
7	Install Landscaping and Grassing	SBCT Motorpool	Yes	Will install upon completion of Motorpool. Woodchips and mulch provided as interim action
8	Install Perimeter Silt Curtain	SBCT Motorpool	Yes	Completed
9	Install Berms and Layered Silt Fence	SBCT Motorpool	Yes	Completed
10	Install Dust Fence / Provide Dust Mitigation	SBCT Motorpool	Yes	Completed
11	Install Six (6) Rows of Silt Fence by Sediment Dams	SBCT Motorpool	Yes	Completed
12	Staging / Temporary Fuel Farm	SBCT Motorpool	Yes	Completed
13	Stabilize Construction Entrance	SBCT Motorpool	Yes	Completed

## 2.2 RANGE 11T:

Modifications at Range 11T will include re-grading of roads, berm improvement, and movement of selected on-site targets. Construction activities have recently begun. All cultural sites within



the construction footprint will be avoided. Archaeological Monitors and Native Hawaiian Cultural Monitors are on-site to monitor all earth-disturbing activities.

The Army is currently evaluating potential mitigations to protect known cultural sites that are within the Surface Danger Zone (SDZ) of the mobile gun system at Range 11T. As part of this evaluation, the Army utilized Laser Imaging Detection and Ranging (LIDAR) data. LIDAR is an optical remote sensing technology used for acquiring remotely sensed topographic data by measuring properties of scattered light to find range and/or other information of a distant target and its relationship to surrounding terrain.

Preliminary analysis of the 3-Dimensional LIDAR data indicates that the spatial/elevation relationship between targets and range topography will provide adequate protection for most sites/site features within the SDZ from MGS training. However, three (3) sites not affected by the elevation differential will likely require physical protective measures. The Army will consult under Section 106 of the National Historic Preservation Act regarding implementation of appropriate mitigation measures.

## 2.3 EAST RANGE.

### 2.3.1 Implement BMPs in those downslope areas where it is needed but where kickouts are not feasible.

As described in more detail below, in those downslope areas where kickouts are not feasible, other BMPs have been and are continuing to be emplaced. In general, BMPs have been upgraded with a focus on rock armament to ditches and other water drainage structures. This approach will improve soil erosion control and increase the longevity of the erosion controls, while facilitating real life training scenarios. BMPs which add to the longevity and control traffic patterns have also been implemented to minimize environmental impact and maximize the benefit of the BMPs installed. These actions also contribute to the rehabilitation of noted discharges identified by Mr. Hood. Following is a description of work that has been completed and/or is on-going at East Range.

- Area identified as #1 on the draft east range maintenance plan map.

The eastern stream approach (approximately 750 feet) has 4 Armored Broad Based Diversion Dips (BBDD) to move water flow from the upslope side of road to the down slope side of road. The exit or diversion component of the water flow control structure is armored with stone plus a slight, end of diversion upslope, to minimize any accelerated erosion and head cutting associated with the diversion. Exposed soil has been hydro mulched and seeded and or protected with erosion control blanket. The BBDD closest to the stream has a small level lip spreader which directs any waterflow away from the stream and into natural vegetation.



Up slope ditches connecting to each BBDD have been graded to a 4 foot width and 2 foot depth parabolic shape then armored with 6 inch surge rock for a depth of 12 inches. Due to soil type and typical soil water content the upper half of the east approach ditches has geo-grid as an underlayment in the armored ditch.

The upper section of the west approach (approximately 250 feet) has a compacted base course, geo-grid over base course, covered with a 12 inch stone layer. The stone layer runs from the upslope edge of road to the down slope side of the road. The road prism is an outsloped road. The stone layer is covered with 6 inches of 3 inch minus surface material.

The lower section of the west approach (approximately 85 feet) has an insloped road prism and a rock armored ditch which terminates into a settling basin.

- Area identified as #2 on the draft east range plan map.

A 200 foot section of the Red Course has been insloped to ensure water flow is directed away from the stream on the downslope side of the road. The insloped road prism is constructed using geo-grid and 12 inches of surge rock plus a surface layer of 3 inch minus. The associated diversion (kickout) is away from the stream and the diversion exit is armored with 6 inch stone.

- Area identified as #3 on the draft east range plan map.

This area, which is approximately 1200 feet in length, has been regraded, filled with 24 inches of crushed recycled concrete, geo-grid over the crushed concrete, 12 inches of surge rock plus 4 inches of 3 inch minus surface course over the geo-grid was added to create an insloped road section with a heavily armored inslope ditch line. A BBDD was added plus armored exit points. Upslope of the insloped road the road has an outsloped prism with an armored ditch and BBDDs. The ditch was graded to a 4 foot width and 2 foot depth parabolic shape then armored with 12 inches of surge rock. The road prism has geo-grid as an underlayment.

- 2.3.2 Implement Best Management Practices at the three locations at East Range where Mr. Hood noted roadside ditches were draining directly into streams.

At the outlet of the settling basin, noted above in section 2.3.1 as Area #1 in east range, a 10 foot width by 20 foot stoned level lip spreader is installed. The level lip spreader stone thickness is 12 inches over geotextile cloth and geogrid.

The two discharge eroded gullies, associated with Area 1 on the east range, have been stabilized using geo-grid and rip-rap plus landscaping to divert any residual water flow along the longest possible path to the stream over a armored pathway. The uncontrolled



water flow which originally created the discharges has been controlled on both the east and west stream approaches as described above in Area 1 on East Range.

A discharge on the Red route identified as Area #5 on the attached East Range plan map was rehabilitated. The discharge was due to vehicle rutting of the unarmored ditches. The rehabilitation on Area #3 on the east range draft plan map plus an additional BBDD with an armored exit was installed. Hydromulch, erosion control blanket and seed will be applied to this area shortly.

Other discharges identified on the attached East Range plan map are being prioritized for rehabilitation.

2.3.3 Implement Best Management Practices at East Range off-road areas where Stryker training will occur. In general, off-road areas are being addressed on a priority basis based on anticipated level of training activity and current condition of the area. Temporary physical marking (flagging, marking tape) of the allowable vehicle training areas (Go/No-go areas) has been completed. The sections below provide a detailed description of East Range BMPs that have been completed and/or are in progress.

The Engineer Training Area was identified, mapped, flagged and prepared for training activities with potentially high soil disturbance potential. The area has a 2 foot high berm on the down slope sides plus 2 outlet sections which have silt fence installed. This area is approximately 3 acres and is specifically controlled and monitored due to the high soil disturbance activities. This area is identified as "Engineer Training Area" area on the attached East Range plan map.

The Stryker stop/go area is surrounded down slope by roads with ditches and BBDDs. In addition there is natural vegetation between the training area and the road. The intact vegetative buffer is controlling soil movement from the stop and go training area. The stop and go area is scheduled to be hardened for continued use and if soil movement is noted, a berm around the stop and go area will be constructed. This area is identified as "Stryker Stop and Go" area on the attached East Range plan map.

## 2.4 KAHUKU TRAINING AREA (KTA)

2.4.1 Similar to East Range, BMP and road maintenance activities that support all training are well-underway. Due to the inherent slopes and rainfall at KTA a variety of different size rock for ditch armament will be processed at the Schofield quarry. As described in more detail below, in those downslope areas where kickouts are not feasible, other BMPs have been and are continuing to be emplaced. The following items address the issue of down slope BMPs where kickouts cannot be installed.

- Area identified as #1 on the attached KTA range plan map.



Kane LZ access trail, which is approximately 1300 feet in length, has been reshaped creating a positive road prism with vegetative diversions, vegetated ditches and armored BBDD's with vegetated exit points. Reshaping the road prism allowed diversions (kickouts) to be constructed in addition to the ditches and BBDD's.

- Area identified as #2 on the attached KTA range map.

Xstrip MSR hill is a section of road where there are no possible opportunities for kickouts (diversions) along the 400 foot length of approximately 13% sloped road. Water flow at the top of the hill was diverted using a BBDD prior to any water flow creating volume or energy prior to running down the road segment. The road segment has an accentuated road crown with both ditches armored using 6 inch stone over geo-grid. The road segment also has an underlayment of geo-grid plus 12 inches of surge rock plus 6 inches of 3 inch minus surface material. The first opportunity was taken to create an armored BBDD at the bottom of the hill.


- Area identified from Charlie gate to Hotel gate on the attached KTA range plan map.

The road segment between Charlie gate and Hotel gate is in progress for road maintenance and compliance tasks. Initial activities have begun to address drainage issue. Additional measures will continue be implemented to ensure drainage structure stabilization is adequate for environmental protection and Stryker utilization.

The remaining kickout concerns at East Range and Kahuku Range are currently being prioritized. See attached ER and KTA maps for areas identified for prioritization.

#### 2.4.2 Implement Best Management Practices at Kahuku Training Area off-road areas where Stryker training will occur.

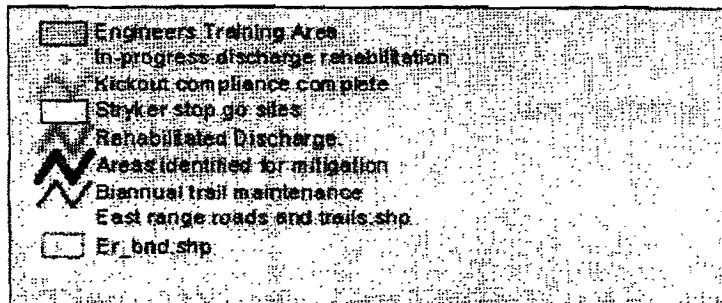
Temporary physical marking (flagging, marking tape) of the allowable vehicle training areas (Go/No-go areas) has been completed. Off-road areas are being addressed on a priority basis based on anticipated level of training activity and current condition of the area. No rehabilitation is currently occurring at KTA due to the low volume of off-road vehicle traffic and the current well-planned and identified areas for Stryker off road activities. The current off-road areas are typically bowl shaped with a controlled exit point. The attached KTA range plan map shows areas identified for future rehabilitation and/or maintenance.

  
Howard J. Killian  
Colonel, U.S. Army  
Commanding

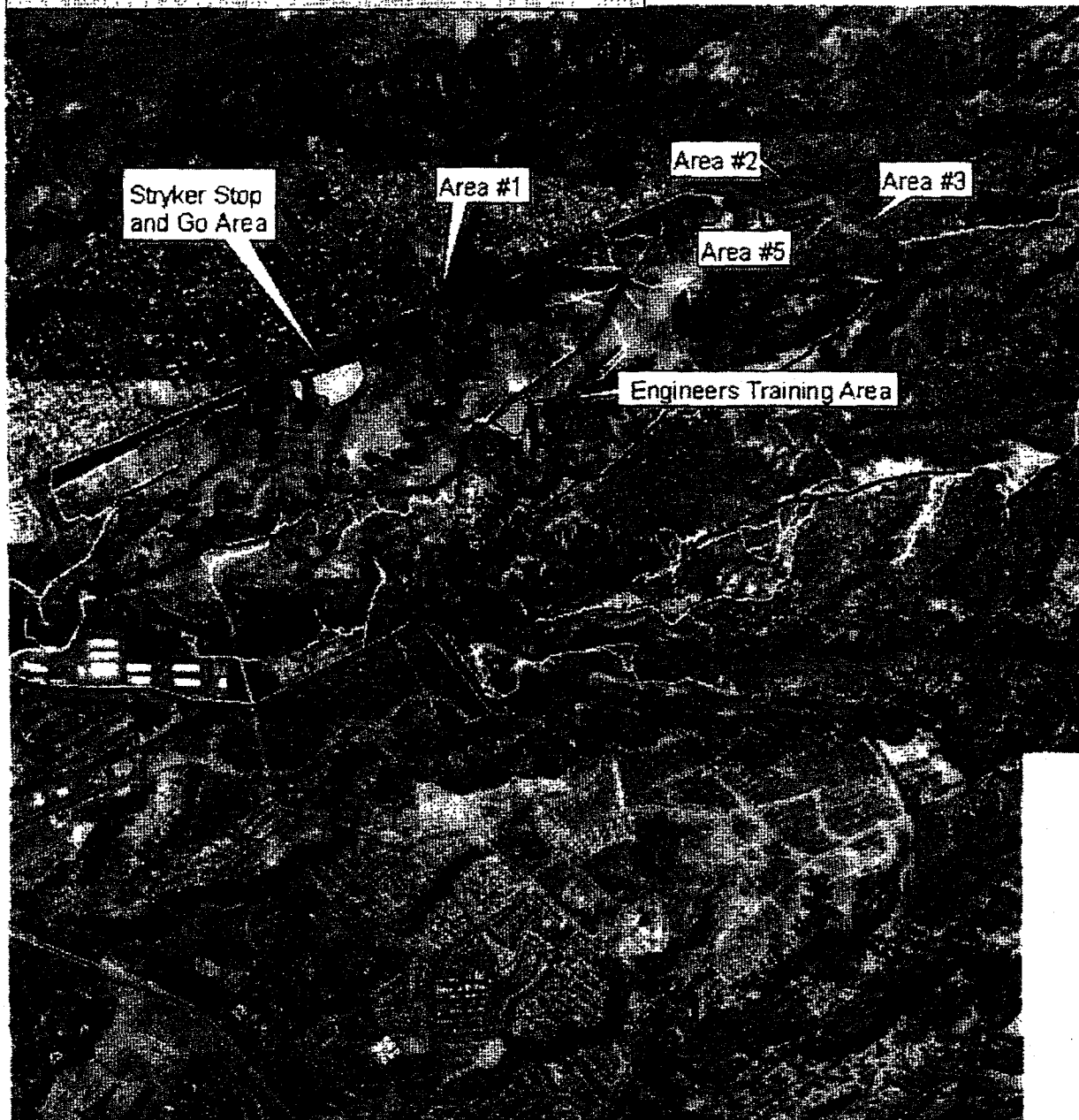
Enclosures



## East Range Figure #1



East Range  
Court Compliance  
prepared by ITAM/LRAM  
March 13, 2007











2000 0 2000 4000 Feet

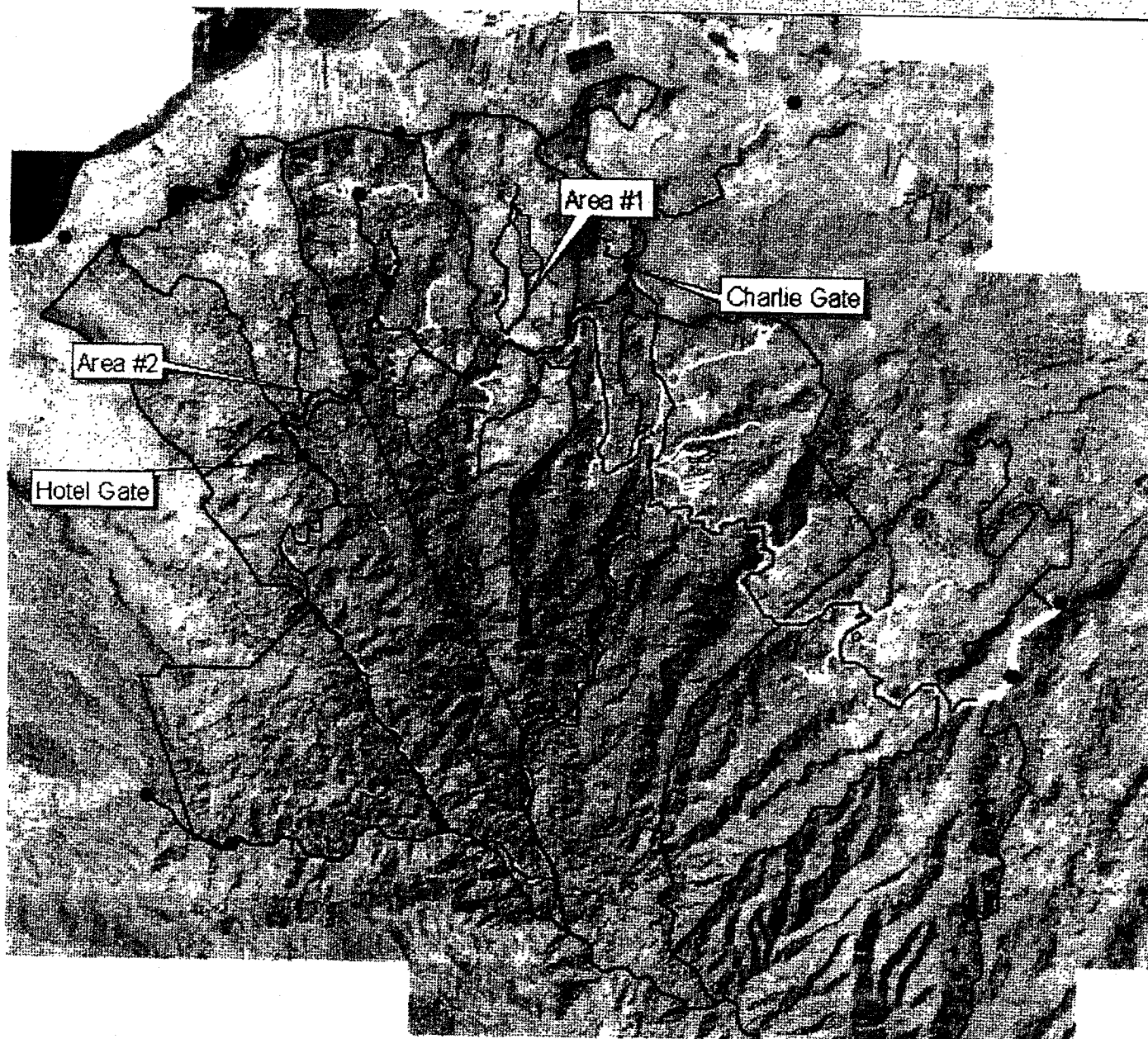





KTA Figure #2

**Kahuku Range  
Court Compliance**  
Prepared by ITAM/LRAM  
March 13, 2007

-  Compliance areas complete
-  Compliance first priority
-  Kahuku gates
-  ITAM Projects under contract
-  Kahuku Regular maint
-  Lz\_aug03.shp
-  Kahukubound021103utm4\_la\_bdry.shp
-  kah\_road\_16nov04.shp



4000 0 4000 8000 Feet



A scale bar showing distances in feet, with markings for 4000, 0, 4000, and 8000 feet.